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ABSTRACT

Despite the rhetoric as to its importance, this analysis concludes that there is no federal interest in promoting meaningful, substantive parent-community involvement in bilingual education. The absence of policy, data, theory, specifically worded governing rules and regulations, established models of involvement, training programs, or technical assistance to parent-community councils all support this position. An overview of the original Bilingual Education Act of 1968, dealing specifically with the ambiguity of the legislation, the influences of the War on Poverty and Civil Rights Movement on the concept of equal educational opportunity and bilingual education, the implications of the transition vs. maintenance controversy, and the effect of key court decisions favoring bilingual education as an effective remedy for limited-English-speaking children provide background for understanding the federal position. In addition to the objective factors that comprise a federal position and legislation, i.e., the 1974 Bilingual Education Act, the intricacies of the legislative process and bureaucratic operation must be taken into account. The interface between constituencies such as the federal bureaucracy, the local school professional and the community determines the specific form that any bilingual education program can or will take. (NEC)

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THE FEDERAL MANDATE FOR BILINGUAL EDUCATION: SOME IMPLICATIONS FOR PARENT AND COMMUNITY PARTICIPATION

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The Federal Mandate for Bilingual Education

Achieving equality of educational opportunity continues to be a battle in this country. Bilingual education is only one of many efforts waged to establish public responsibility for achieving equal educational opportunity. While earlier efforts to equalize educational chances were aimed to equalizing resources and facilities, bilingual education joined the national scene at a time when compensatory efforts were considered to be the key to providing equality of educational opportunity.

Support for bilingual education as a process through which to achieve equality of educational opportunity springs from a variety of complex sources:

(1) pressure from Hispanic communities for educational change and cultural recognition;

(2) this nation's ideological commitment to equality of educational opportunity;

(3) Supreme Court decisions, especially *Brown v. Board of Education* (1954), *Swann v. Board of Education* (1971), and, perhaps most importantly, *Lau v. Nichols* (1974);

(4) official recognition of the problems facing Mexican American children in schools which were documented and thoroughly researched, and hence, legitimated by the Office of Civil Rights;

(5) pressure from various sources to establish the

principle of federal responsibility for non-English-speaking children in public schools; and

(6) advocacy on the part of many large school districts needing increased fiscal support as a result of pressures mounted by declining tax bases and enrollment changes.

These factors have not only legitimized federal intervention in public schools--an intervention that was unknown prior to the passage of the Elementary and Secondary Education Act of 1964 (ESEA)--but have committed the federal government to assume a responsibility for the education of linguistically different children. That all these factors contributed to the passage of the 1968 Bilingual Education Act and the 1974 Bilingual Education Amendments underscores the fact that the resulting Title VII programs have not been oriented to a single, homogeneous purpose. The legislation, the controversies, debates, congressional hearings that have gone on behind the initial entitlement and subsequent amendments reflected these various interests and the competitive social and political priorities.

The record is clear. Despite numerous philosophical, fiscal and administrative controversies, the federal mandate in support of bilingual education has been established and expanded. The 1968 Bilingual Education Act initiated the federal responsibility for assuring equal educational opportunity for linguistically different children and in defending the legitimacy of their native language and culture in the school. The 1974 Bilingual Education Amendments not only affirmed but expanded this responsibility. Title VII

programs continue to manifest this established federal responsibility.

Let us now turn to a more focused discussion of the 1968 Bilingual Education Act. It is often hailed as a masterpiece of ambiguity, raising more conflicts than solutions to the problems of linguistically and culturally different children in the schools. It was instituted as a demonstration program with funds allocated on the basis of potential for development of pilot projects designed to test the effectiveness of new and imaginative curricular plans, and the development and dissemination of special instructional materials for use in bilingual education programs. The intent of Congress in promoting this demonstration concept was the development of model programs which could be replicated once their effectiveness had been established. The assumption was that, before committing large amounts of money and before attempting to serve all limited English-speaking students, the federal government should sponsor experimental pilot projects. Indeed, in 1969, the first year of Title VII funding, there were 79 projects funded for a total of $7,500,000 serving some 26,500 students.[1] This funding level and scope of offered services were merely a token effort in light of the fact that estimates place the number of school-age (preschool to age 18) limited-English-speaking pupils in the U.S. at about 6 percent of the total school-age population in the United States.[2]

The 1968 legislation is unclear and imprecise from a variety of standpoints. Not only does it fail to define bilingual education and the type of bilingual programs the federal government was interested in sponsoring, it is decidedly ambiguous with respect to the goals of

federally sponsored bilingual education. There is no doubt that the ambiguity of this landmark piece of legislation is a reflection of the legislative process whereby the language of intent contained within the legislation is deliberately unclear in the sense that no one wants it deliberately clearer. For example, in the original legislation there was no definition of bilingual education. Nor was it clear whether the goal of the legislation was transition into English or native language maintenance or both. The ambiguity of the language allows more legislators and advocacy groups to buy into the action without having to compromise needed political alliances tied to other pieces of legislative and political activity. This is the nature of the legislative process but it does complicate the implementation of legislation when there is no single, clearly stated Congressional intent. Moreover, since there is confusion over Congressional intent, there is confusion and controversy over the goals of bilingual education, the eligible recipients of program support, and the level of fiscal support.

According to Bruce Gaarder, three major goals have emerged out of the 1968 Bilingual Education Act, and each one is in basic opposition to the others:

(1) the development of a more effective, more just one-way bridge to English by building upon content instruction first in the mother tongue (transitional bilingual instruction);

(2) the development of more effective education for limited-English-speaking children, in addition to

the long-term development and maintenance of both English and the mother tongue (maintenance bilingual education);

(3) the provision of a source of jobs in education and of preferential treatment for members of the ethnic groups involved.[3]

The original 1968 legislation was unclear as to the purpose of this new funding. Was it to speed up the assimilation of linguistic and cultural minorities by means of a humane transition into English? Or was it to support the development and maintenance of the minority language in addition to the English language? Advocates for both types of programs base their advocacy on their own interpretations of the legislation, as well as succeeding legislative amendments and judicial decisions. The differences between the two competing approaches (transition vs. maintenance) are open to bitter debate, unevenly divided along ethnic lines, and fueled by the changing economic and political realities of the day. The "can do" philosophy and optimism which sparked the War on Poverty efforts in compensatory education has now changed to a "can't do" orientation, largely as a result of the more constraining political and technoeconomic realities facing the nation. The recently completed U.S. Office of Education Impact Study on Spanish-English Title VII Programs (known as the A.I.R. report), and Noel Epstein's attack on the inappropriateness of federally sponsored programs of 'affirmative ethnicity' (bilingual maintenance) have raised the ante of the transition vs. maintenance debate.[4] But back in 1968 the differences between the two approaches and their

controversial implications were either unknown or unvoiced.

In 1968 the debate centered over whether bilingual education represented an appropriate, innovative response to the educational needs of limited-English-speaking children of poverty or whether it represented an un-American, counterproductive intrusion on the "English only" instructional policies in schools and institutions all across the land. Up until the passage of the National Defense Educational Act of 1958, the federal government had little interest in reversing its traditional "English only" national language policy, reflecting the discriminatory legislative history, as well as nationalistic and isolationist foreign policies affecting linguistic and cultural minorities residing within U.S. boundaries.

The 1960's ushered in the civil rights movement with its accompanying ideology of ethnicity, and the political context in which domestic Third World groups operated changed dramatically. The rise of Chicano consciousness followed on the heels of the Black civil rights movement, and coincided with the worldwide processes of decolonization and Third World consciousness movements, the flowering of an aggressive U.S. imperialist involvement in Southeast Asia, and deteriorating economic conditions. The ideology of ethnicity, a ritualization oriented to reaffirming and perpetuating a new sense of history and a new interpretation of reality, sparked an interest in bilingual education as a quest for identity, cultural status and political power.

Chicanos focused upon bilingual education as part of a process of defining interests as they related to issues of power in this

society. It was a way of creating an awareness of a shared fate, a comprehensive "place" from which to search out a niche in space, time and relation. By focusing on the urgent need for bilingual education, many Chicanos were able to make use of the ideology of ethnicity as a political resource, one of the few resources available to the politically powerless in this society. The politics of ethnicity, however, obscured the need to examine carefully the various philosophical approaches, the competing goals, or the programmatic issues involved. Rather, the politics of ethnicity tended to romanticize and reify a single, homogeneous Chicano culture which ignored differences between groups and classes of Chicanos and recent Mexican immigrants. As Gerald Rosen points out:

> *Creating an awareness of a shared fate in spite of many potentially divisive group characteristics is essential to successful unified action. This is most particularly the case when unity is the one political resource that must be available in the de-colonization struggle.*[5]

One consequence, then, of this situation was the assumption that what must be good for the goose must be good for the gander, i.e., that Chicanos and recent Mexican immigrants could all profit and succeed educationally with the implementation of bilingual education. Such an assumption ignored the fact that many urban Chicanos--and the Chicano population is decidedly urban--are monolingual English speakers with few perceived economic, political, or social reasons for learning Spanish. Moreover, the assumption ignored the class and racial basis of relations between Chicanos, Mexicans and whites which influence the form and process of schooling. Bilingual education

has been based on the assumption that the problems facing Chicanos and Mexicans in schools are primarily ones of language differences. This is made quite clear in the introductory paragraph of the 1968 Bilingual Education Act:

> *The Congress hereby finds that one of the most acute educational problems in the United States is that which involves millions of children of limited English-speaking ability because they come from environments where the dominant language is other than English . . .*[6]

While the analysis of the educational problems facing Chicanos and Mexicanos in the schools was incomplete and rooted in superficial assessments of language differences and culture conflict, bilingual education was very much a product of the War on Poverty optimism and heightened concern for the Spanish-surnamed population. The 1960 census documented the dramatic increase of Spanish-speaking constituents. By 1967 the federal government had established the Interagency Committee on Mexican American Affairs and the Mexican Affairs Unit within the Office of Education in response to the growing recognition of the problems facing the Spanish-speaking. The hearings before the U.S. Civil Rights Commission on Mexican Americans and the publication of the Equal Employment Opportunity Commission of a study entitled *Spanish-Surnamed American Employment in the Southwest*, documented that Spanish-speaking persons faced enormous educational, economic and political problems. It was clear that something had to be done.[7]

The passage of the 1968 Bilingual Education Act was a reflection of all these forces. The emerging voices of ethnic lobbyists and

strong civil rights advocacy found in the Johnson administration and in the Congress paved the way for its passage. The political and social implications of the legislation, while never clearly or precisely articulated, accompanied the purely educational issues and have been an intimate part of the history of bilingual education since 1968. For this reason alone it is improper as well as impossible to attempt an understanding of federally supported bilingual education without a thorough exploration of the social action features accompanying the passage of the 1968 Title VII program.

There was, of course, some resistance to the legislation. For example, the Office of Education was initially reluctant to support Title VII legislation on the basis that the need of non-English-speaking children could be met through existing provisions in Title I and Title II of ESEA.[8] This reluctance in part reflected the apprehension felt in other quarters over the federal government assuming responsibility for non-English-speaking children as a protected class. In other words, there was a fear that once the federal government had assumed even this limited responsibility for supporting demonstration programs in bilingual education for a limited period of time, the door would then remain open for continued, perpetual federal subsidy of what should be a state-supported endeavor. And of course there was some resistance to the legislation based on racist fears over the presumed anti-American or un-American approach of bilingual education. *"If they want to speak Spanish, let them go back to where they came from"* was a commonly voiced refrain, which conveniently ignored the fact that many Spanish speakers came from

El Paso, Corpus Christi, Calexico and other Spanish-speaking bastions in the United States.

The 1968 Bilingual Education Act, then, was a major victory for those who felt the federal government should assume an important responsibility for the educational problems of linguistically and culturally different children of poverty. One assumption of the legislation was that poor children could be helped out of poverty if they could overcome the language barrier. Hence, the monies authorized by the bill were earmarked specifically for low-income students. As Bruce Gaarder noted, the Act provided for financial assistance for children of limited English-speaking ability and defined the eligible population in such an ambiguous way as to attract the support of ideologically diverse camps.[9]

In addition to the political and social climate which supported bilingual education, court decisions have also played a prominent role in expanding the federal role--especially in the years after 1967. The *Lau v. Nichols* decision in 1974 did not advocate bilingual education, but did establish the notion that equality of educational opportunity does not mean equality of treatment and that students who do not understand English are effectively foreclosed from meaningful education if they are instructed in a language they do not understand. In the aftermath of *Lau*, *Serna v. Portales Municipal School District* (1974) the court ruled in favor of the Spanish-speaking plaintiffs who charged that the English-only instructional program denied them equal educational opportunity and was a violation of their constitutional right to equal protection under Amendment 14. The *Aspira of*

New York, Inc. v. Board of Education of the City of New York (1974), a consent decree which is probably the most far-reaching court-ordered bilingual program since the *Lau* decision, forced the school board to set up a bilingual program for all children whose English language deficiencies prevent them from effectively participating in the learning process. According to a report by the U. S. Commission of Education, judicial decisions such as these three more prominent examples indicate, reflect a general trend in favor of plaintiffs who charge that school districts do not adequately address the special needs of limited-English-speaking children:

> *Although the courts do not always require bilingual education as a remedy, their actions are in accord with the more general trend for support of bilingual education in the United States.*

The judicial climate in support of bilingual education is based in no small measure on the May 25, 1970 memorandum issued by the Office of Civil Rights. This memorandum has played a crucial role in the development of federally supported bilingual education in that it clarified OCR's responsibility in enforcing the provision of the 1964 Civil Rights Act (Title VII) which requires that there be no discrimination in any federally supported program. The decisive element of this memorandum is as follows:

> *Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.*[11]

The significance of the memorandum was primarily affirmed in the *Lau*

decision and has been a cornerstone for subsequent court decisions. The document assumed an even greater significance with respect to the federal role in light of the language survey conducted by the Commissioner of Education which found that of the more than 15 million persons from non-English-speaking households, more than 5 million (or 40 percent of the group 4 years of age or older) were from Spanish-speaking homes, and made up 69 percent of the school-age population among the 15 million non-English-speaking homes.[12] As the federal government began to document the extent of educational problems confronting the Spanish-speaking, through various Office of Education reports, studies by the Office of Civil Rights, and the report by the Comptroller General's Office, it became clear to those in the federal bureaucracy that the government could not ignore the problems. With varying degrees of interest and advocacy, various groups and agencies within the bureaucracy--specifically within the Office of Education and the Office of the Secretary of DHEW, and the legislative branches--began to assess the growing federal involvement in support of bilingual education. The immediate aftermath of the passage of the 1968 Bilingual Education Act, the May 25 Memorandum of the Office of Civil Rights, and the *Lau v. Nichols* decision introduced a number of controversial issues which framed the debate over the 1974 Bilingual Education Amendments. In 1968 the passage of the Bilingual Education Act suggested the permissibility, even the desirability, of instruction in the native language, but by 1974 the controversies and implications generated by the ambiguity of the original legislation began to emerge. This was the setting which ushered in the 1974 Bilingual Education Amendments.

The 1974 Bilingual Education Amendments

The first major revision of the Title VII program occurred with the passage of the 1974 Bilingual Education Amendments. Although the original bilingual legislation was amended twice before 1974, the changes were relatively minor. However, by 1974 the conflicts emerging out of the 1968 legislation, the diversity of approaches, definitions and competing philosophies forced the debate in Congress and in the Administration into a major revision of the statute.

By 1974 the issue of transition v. maintenance was clearly out in the open, with debate growing increasingly more intense. Supporters of transitional programs argued that the proper goal of a bilingual program should be to promote the fastest possible assimilation of the limited- and non-English-speaking children into the English-speaking mainstream. Supporters of the maintenance concept argued that bilingual programs must be designed to maintain the linguistic and cultural resources of this culturally pluralistic society by maintaining the linguistic and cultural identity of the limited and non-English-speaking. The federal regulations governing the application procedures for Title VII proposals reflected this controversy. The official Project Manual, issued by the Office of Education as an interpretation of the legislation, implied two opposing positions. On the one hand, the Manual affirms the primacy of the English language in the bilingual program, and on the other hand recognized that the use of the child's mother tongue might prevent academic retardation.[13]

The implications of transition vs. maintenance brought to the

fore other unresolved issues surrounding federally sponsored bilingual programs:

(1) How much instructional time should be accorded each language?

(2) What role did ESL (English as a Second Language) play in a bilingual program?

(3) Since Title VII guidelines established a poverty criterion, how could a bilingual program be designed which did not segregate children according to language, origin or race?

(4) What was bicultural education and what role did it play in a bilingual program?

(5) Was the federal government to continue to sponsor Title VII as a demonstration program (limited funds allocated on a competitive basis for the development of dissemination models) or as a full-service program based on the formula grant nature of Title I (non-competitive funds allocated on an established formula basis)?

(6) In light of the May 25, 1970 memorandum and the 1974 *Lau* decision, just what should be the appropriate goal of federally sponsored bilingual education?

The significance of these questions is compelling; their answers have yet to be resolved and continue to predominate the national debate over federally supported bilingual education. However, by 1974 the federal government was committed--if even only nominally--

to require that the needs of limited-English-speaking students be met on penalty of loss of federal assistance.

The process of amending the Elementary and Secondary Education Act (ESEA 1964) began with the introduction of four distinct pieces of legislation in both houses of Congress (H.R. 69, S. 1539, S. 2552 and S. 2553), and ultimately resolved by a Conference Committee of both houses. Throughout the 1974 reauthorization process, both bodies engaged in an intensive overall review of elementary and secondary education legislation. Title VII was but one of several federally sponsored education programs subjected to intensive scrutiny.

There were twelve major areas of difference which had to be resolved in the Conference Committee (policy; definition of bilingual education programs; expiration and authorization of funding; distribution of funds; local educational agency grants; training grants; state educational agency grants; research and demonstration grants; participation of Indian reservation school children; national advisory committee on bilingual education; administration[14]). The following results were accomplished by the new legislation:

(1) there was an increase in appropriations and the number of local education programs funded;

(2) there was an increase in funding awarded for fellowships, teacher in-service and paraprofessional training;

(3) an increase in funding for classroom materials development, with awards going to two national dissemination assessment centers, nine materials

development centers and seven resource centers;

(4) the upgrading and reorganization of the Division of Bilingual Education to an Office of Bilingual Education, with the director of the Office reporting directly to the Commissioner of Education; and

(5) the formation of the 15-member National Advisory Council on Bilingual Education, composed of professionals and practitioners in the field (but no parents).

Moreover, the passage of the 1974 bilingual education revisions resolved certain simmering philosophical issues dealing with bilingual-bicultural education and the federal responsibility. The issue over the appropriateness of the federal role was resolved in favor of retention of the role established in 1968, i.e., that of sponsoring demonstration dissemination programs. In addition, the federal role was expanded to include sponsorship of capacity-building projects, especially in the areas of teacher training, curricula, and research which would stimulate local community capacity to eventually take over the programs.

The issue of transition vs. maintenance was "resolved" but with little clarity. The new legislation affirmed a transitional goal of bilingual programs but did not specifically exclude maintenance programs. Consequently, both types of programs could be promoted. However, within the framework of both transition and maintenance programs, the issue of whether bilingual education and cultural enrichment must be required was clearly resolved: federally supported bilingual

programs specifically could not be E.S.L. efforts alone, and had to include both native language instruction and cultural enrichment.

The process of resolving all these issues, culminating in the passage of the 1974 amendments, was an arduous one, complicated even further by a variety of political, personal and partisan considerations.[15] New issues and problems surfaced, specifically in the areas of research, administration and civil rights compliance. In the years immediately following the passage of the amendments, the national debate over bilingual education has taken up a number of the issues surfacing out of the 1973-74 reauthorization process, and have been reflected in the current 1977-78 reauthorization process, revolving around four emerging basic problems:

(1) the well-established controversy between transition vs. maintenance goals;

(2) demonstration vs. full-service project;

(3) effectiveness of the administration of the program by the Office of Education and the Office of Bilingual Education; and

(4) effectiveness--as demonstrated by conclusive research findings--of bilingual-bicultural education as a curricular and pedagogical innovation.

In sum, then, the 1974 Bilingual Education Amendments represented the first major revision of the original 1968 legislation and an attempt to resolve the major conflicts and problems in federally supported bilingual education. According to Schneider in her thorough account of the 1974 reauthorization process:

> *. . . the 1974 Bilingual Education Act represented a reform of existing law and existing Federal practice in the field of bilingual-bicultural education. It would be difficult to make a quantitative measurement of that reform. The proponents of such reform in the Congress and Administration were enthusiastic. The opponents were somewhat dissatisfied but not, other than the Office of Management and Budget, outraged. The lobbyists viewed the final compromise as having achieved some desirable goals, but not all. However, all shared the sense that the law presented a continuing and expanding Federal role in bilingual-bicultural education.*[16]

The passage of the Act was, in the final analysis, a temporary truce between various constituencies within the federal bureaucracy. The mediating influence of the truce was the *Lau v. Nichols* decision handed down in January, 1974. This decision had a profound effect on the bilingual education debate, emphasizing the federal role in insuring compliance with the 1964 Civil Rights Act. The *Lau* decision reaffirmed the federal commitment to providing equal educational opportunity. The Bilingual Education Act, which was signed into law in August of 1974, affirmed the federal commitment to providing equal educational opportunity for limited- and non-English-speaking children.

The Legislative Process, the Federal Bureaucracy and Bilingual Education

The federal bilingual education effort is in no small measure affected by the interplay between personalities, political interests, institutional constraints and outside lobbying groups. It is an intensely political process but no more so than the legislative and bureaucratic maneuvers that affect other governmental activities. The intensity of the process and the sophistication of the strategies employed reflect the high stakes for which the game is played. The game is one for power between the various legislative, bureaucratic and administrative factions--a game of win or lose with the outcome determining the relative status of one group vis-à-vis the other groups.

The game is, in essence, a four-way ping pong game between members of Congress, the incumbent administration, the professional bureaucrats and the special interest groups, with alliances and hostilities within and between the various factions coloring both process and outcome. Each faction advances or undermines a particular program, expands it or reduces it as much as possible, and defends it or attacks it against all challenges. The dynamics of the interplay assume a life independent of the world outside Washington, insulating the players of the game from sustained contact with life outside. It is within this climate that the business of government is transacted. It is from within this environment that federally supported bilingual education must be understood.

As soon as huge sums of money have been made available, there are swarms of supporters and lobbyists descending on Washington. Inevitably

a bureaucracy of advocates springs up to carve out and institutionalize a section of "turf" as a toehold within the system. In the case of bilingual education, a Hispanic bureaucracy has grown up which is battling its way up the ladder of prestige and status. Bilingual education has been the rallying cry. Within the complex system of patronage and status within the federal system, the Hispanic bureaucracy and specifically the Office of Bilingual Education, ranks relatively low within the system. This low status and prestige of the OBE has a profound effect on the interplay between this office and the Office of Education, the various offices directly under the Secretary of DHEW, and the several legislative committees on Capital Hill. The OBE is not highly regarded by the more powerful factions higher up in the HEW bureaucracy. It is not highly regarded by legislative factions on Capitol Hill. Moreover, it is not highly regarded by other Hispanics (primarily Chicanos) in Washington who consider the OBE as a source of embarrassment.

I spent several weeks in Washington collecting data for this study. While there I interviewed various individuals, many of them Chicanos who have been involved in policy-making aspects of the federal bilingual education effort. Some have worked as lobbyists, others as Congressional liaisons, others with the Department of Health, Education and Welfare, and still others as White House liaisons with Hispanic constituencies. When the Office of Bilingual Education was brought up for discussion, most of the people I talked to were critical of this office for not having exerted more leadership, for not having developed a more effective political constituency, for not having broadened the level of

discussion surrounding the federal role in bilingual education. In the words of one Congressional liaison I spoke with:

> *. . . the Office of Bilingual Education has not taken care of business. How can you have a program if you have no sense for policy?*

A lobbyist I spoke with said:

> *If there is no policy there really can be no program. Those people over there in the Office of Bilingual Education have no training, no understanding and hence, can provide no leadership.*

There was the sense among many persons I spoke with that the Office of Bilingual Education was staffed by career bureaucrats who have been a source of embarrassment to a "collective Hispanic effort." Consequently, the activities of the OBE and groups supporting its activities (such as the National Advisory Council on Bilingual Education) are seriously circumscribed and are the object of constant derision. For example, the NACBE is closely affiliated with the personnel in the OBE, and has publicly applauded OBE's efforts in its annual reports on bilingual education. The recommendations issued in these annual reports have been ignored by the DHEW bureaucracy. Also, the A.I.R. interim results were released at a time when they could be most damaging to the bilingual reauthorization, in the spring of 1977 when the process was just beginning. The study, which was commissioned by the Office of Planning, Budgeting and Evaluation within the Office of Education, is critical of Spanish-English bilingual education. It is widely believed that the preliminary findings of this study were released in early 1977 precisely as a strategy to weaken the support for bilingual education in the reauthorization process.

Be this as it may, it does not necessarily mean the demise of the Hispanic bureaucracy. As with other bureaucracies, once established they are difficult, if not impossible, to dismantle completely. The institutionalization of the bilingual education bureaucracy in Washington has to do with the idiosyncracies of the demonstration project - full service project continuum. Although demonstration projects are funded on the basis of competition for limited duration, they have a way of developing into entrenched full-service programs, funded on a noncompetitive basis for an umlimited period of time. Meredith Larson, Professional Staff member on the House Committee on Education and Labor, explained the continuum this way:

> *The law is clear that Title VII was established as a demonstration program. But equally clear is that demonstration programs lead to service programs. You go through demonstration because you know that once a program gets installed it never goes away. A bureaucracy grows up and it will never go away. Look at the example of Follow Through. Each year it goes thorugh the death throes, but we will never get rid of that program.*[17]

The advancement along the demonstration-service continuum was mentioned in the May, 1976 Comptroller General's report on bilingual education, commenting on a 1971 Office of Education task force report which indicated that Title VII had become more and more of an educational service program rather than a demonstration one.[18] As the report states:

> *Bilingual education was relatively new in the U.S. when the program was established in 1966, and accordingly the Congress intended that it be a demonstration program. The goals of the program were sound in that, before committing large amounts of money and attempting to serve all children needing these services, effective bilingual education approaches should first be developed. However, the program has evolved into a small service*

> *program and little progress has been made in achieving original program goals.*[19]

Despite the fact that the bilingual education bureaucracy is advancing along the continuum from demonstration to full service, it does not mean that Title VII has been firmly institutionalized within the federal bureaucracy. As noted by Leticia Chambers, legislative aide to Senator Pete Dominici:

> *Title VII money is funny money. It is not stable money. It is hard to institutionalize a demonstration program.*[20]

However, regardless of the tenuousness of the bilingual education bureaucracy within the federal system, it has achieved a toehold and will probably continue to inch its way up the ranks. In many respects, the demonstration-service continuum is analagous to the transition-maintenance split, and it is likely that as the program inches towards the service end of the continuum, it will at the same time be inching toward federal support of bilingual maintenance programs. The final outcome of this process is still in doubt, but clearly the seeds for full-service maintenance have been planted and will continue to be nurtured to the extent possible by the bilingual education bureaucracy.

The intricacies of the legislative process within the federal bureaucracy profoundly affect bilingual education in a number of other ways also. The partisan politics between a Republican Administration and a Democratic Congress has influenced not only the scope of the funding but the level of actual expenditures in Title VII, although it doesn't necessarily follow that a Democratic President with a

Democratic Congress will produce significantly different funding levels or expansion activities. Bilingual education is also influenced by the interplay between various personalities within the various offices of the Secretary and the Under Secretary of DHEW, alliances and hostilities between bureaucrats in the aforementioned offices and the Office of Education, legislative committees, the Office of Bilingual Education, and certain officials in the White House. Additionally, all of these relationships and official involvements are shaped and influenced by the lobbying efforts of such groups as Mexican American Legal Defense Education Fund (MALDEF), El Congreso Nacional de Asuntos Colegiales (CONAC), the Chicano Education Project of Colorado, National Council of La Raza, the Hispanic Affairs Unit of the Democratic National Committee, the American Federation of Labor, the National Education Association, and the American Federation of Teachers.

How successful any one lobbyist group is in advancing their particular position with respect to bilingual education depends on a variety of factors, but either their success or failure will have an impact on the development of the administration's position, the outcome of both House and Senate committee deliberations, the passage of subsequent legislation and the development of ensuing rules and regulations guiding the implementation of the legislation. For example, during the 1977-78 reauthorization the Chicano Education Project of Colorado was very successful in lobbying a reluctant Carter administration with respect to certain issues in bilingual education, particularly as they related to community participation in bilingual education. So successful were they in their efforts that a special White House meeting was

convened in early October of 1977, attended by various Hispanic groups, DHEW Secretary Joseph Califano and Vice President Mondale. The meeting represented the significance of the effort made by the Chicano Education Project--a significance which subsequently paled when the action shifted over to the Congress. While there are at least a half dozen or more Hispanic groups in Washington that have had an impact on the course of federally sponsored bilingual education, the practitioners of bilingual education in the field, particularly the National Association of Bilingual Educators (NABE) and the California Association of Bilingual Educators (CABE), and the National Advisory Council on Bilingual Education (NACBE) which was established in the 1974 Bilingual Education Act, have had little impact on either the course of legislative activity or on the implementation and articulation of federal policies within the bureaucracy. Presumably, the practitioners are the ones who are most closely affiliated with the rank-and-file recipients of Title VII monies and who could, presumably, articulate some of the issues and concerns of this voiceless group into the federal decision-making arena. But to date, these groups have demonstrated a profound naivete and unsophistication about the political processes of legislative activity and bureaucratic maneuverings.

This naivete and unsophistication has been all the more dramatically underscored during the last two reauthorization processes (1973-74 and 1977-78) when bilingual education was subjected to ever-growing attacks and challenges. The 1977-78 reauthorization has been particularly controversial given the impact of the A.I.R. study, the backlash of both *Lau* and *Bakke*, the criticism of Noel Epstein, and the apparent resistance

of both Jimmy Carter and Joseph Califano to support an expansion of federal activity in bilingual-bilcultural maintenance programs. According to several informed Spanish-speaking lobbyists and bureaucrats in Washington, NABE and CABE have been remarkable in their political ineptitude, having no sense of the current political scene. As one of them noted:

> *Down at NABE's conference in Puerto Rico in April, they were talking about the future of bilingual education as if in a fantasy world. How can they talk about bilingual education without taking care of business here in Washington! And these are all we have in terms of organized advocates for bilingual education. The other Spanish-speaking lobbies have many other agenda items to watchdog.*

Whether or not NABE, CABE and the NACBE seek to act in this capacity is unclear. But they do represent the only organized potential to link the Spanish-speaking barrios to Washington which could have enormous political impact on many issues, not just bilingual education. However, the development of this potential does not look especially promising given the fact that both CABE and NABE are victims of the same professionalization and insulation which plagues the schools.

It should be clear by now that the legislative process, together with the machinations of the federal bureaucracy and the incumbent administration generate consequences for bilingual education at an exponential rate. What happens to bilingual education in the next several years will ultimately depend on a variety of interlocking factors, including the following:

(a) court decisions which favor bilingual education as an appropriate remedy in cases of violations of the

1964 Civil Rights Act, Title VI;

(b) the federal role in enforcing desegregation and the impact this will have on both federal and state-supported bilingual education;

(c) conclusive research evidence which supports bilingual-bicultural education as a pedagogical innovation;

(d) the development of more sophisticated political strategies on the part of organized and emerging bilingual lobbyist groups to influence legislative activities and subsequent reauthorizations;

(e) the politics of ethnicity as they interact with the ever-changing dynamics of power within the halls of Congress, in the White House, and among the ranks of the professional bureaucrats. This factor is especially critical with respect to the relatively low prestige of the Hispanic bilingual education bureaucracy (specifically in the Office of Bilingual Education) among other influential Hispanic groups and among higher-ranking officials in DHEW and on Capitol Hill.

The discussion up to now has been concerned with the major themes and issues which have developed in federally sponsored bilingual education since 1968. The discussion has also explored the manner in which these themes and issues have made their way through the legislative process and the federal bureaucracy. Throughout the discussion, a good deal of attention has been focused on the nature of the political

issues attending to the focal issues of transition-maintenance and demonstration-service. Thus, a framework has now been established which allows us the opportunity to explore in detail the federal mandate for parent-community involvement in bilingual education.

The Federal Mandate for Parent-Community Involvement in Bilingual Education

At best the federal mandate for parent and community involvement in bilingual education is a weak one. It has never been a priority in Title VII, although it received more attention during the last reauthorization (1977-78) than at any other time in the history of Title VII. Several facts emerge upon reviewing not only the literature on parent-community involvement in bilingual education, but the machinations of the legislative and bureaucratic labyrinth as well:

(a) there is no consensus on the purpose, function or goals of the parent and community advisory councils;

(b) there is no policy, either in DHEW, the Office of Education or in the Office of Bilingual Education, on citizen or parent participation in educational decision making;

(c) there is no theory of involvement upon which to generate policies or develop models which can then be evaluated; and

(d) there is no reliable body of data of research findings which could help clarify and reformulate policy issues.

The federal mandate for parent-community involvement in bilingual education, then, reflects a lack of commitment, a lack of policy, a lack of purpose:

> *There is, in fact, no mandate for parent or community involvement in educational decision making.*

Despite the rhetoric as to its importance, the absence of policy, the absence of data, the absence of theory, the absence of specifically worded governing rules and regulations, the absence of established models of involvement, the absence of training programs or technical assistance to parent-community councils, all point to one undeniable conclusion: there is no federal interest in promoting meaningful, substantive parent-community involvement in bilingual education. In the words of one Hispanic official in the Office of Bilingual Education:

> *. . . as long as it threatens the bureaucrats, you'll never have community involvement. If it threatens the bureaucrats, forget it . . . By bureaucrats, I mean us. We keep them out.*

Evidence in support of this statement is overwhelming.

The history of parent and community involvement in federally sponsored bilingual education parallels that of other Department of Health, Education and Welfare-sponsored social action programs--a history of no policy, lack of commitment and disinterest. The review of the literature on citizen participation (see Chapter Five) indicates that many social action programs with mandated community and parent involvement have experienced problems, conflicts and inadequacies generated, for the most part, by the ambiguity, the tokenism, and the condescension surrounding these efforts.

What has occurred in bilingual education has followed a by now well-established pattern in the Department of Health, Education and Welfare: interpretation of the galaxy of Congressional intentions which are then reformulated or ignored by disinterested policy makers within the various

offices in DHEW, particularly the Office of Education and Office of Bilingual Education, who have very little stake in the actual outcome of citizen participation in local communities. The nature of the federal bureaucracy, a leviathan of enormous proportions, offers no practical incentive for an agency's investment in participatory structures at the local site level. Once in a while there appears on the scene in Washington a person or group of people who are thoroughly committed to the concept of sustained, substantive involvement of the community at the local level. This appears to have been the situation with the recently completed Urban/Rural Project administered through the Office of Education under the Education Professions Act of 1968. No such committee group has advanced the cause of parent-community involvement in bilingual education.

Since there is no federal policy or interest in parent-community involvement in bilingual education, it comes as no surprise that there is apathy and confusion, as well as frustration and controversy at the local site level. The San Jose Bilingual Consortium-C.O.M.E. controversy has been the most polarized of the struggles, but there is growing indication that the issues raised in the San Jose struggle are felt in other communities. The strength of the Colorado Chicano Education Project's lobbying efforts during the 1977-78 bilingual education reauthorization was based in part on parent-community involvement issues.

Despite the fact that there is no direction, leadership or interest in parent-community issues at the federal level, there is some evidence to support the claim that in the early 1970's the Department

of Health, Education and Welfare was interested in at least looking at the problems of citizen participation in all of its programs. Elliot Richardson, then Secretary of DHEW, requested a study that would review DHEW goals, review prior experiences and research relevant to various forms of citizen participation. The purpose of the study was the development of information that would assist DHEW in drafting regulations and models for citizen participation in specific DHEW programs. In making his request, Richardson proposed three goals for the Department in the area of citizen participation:

(1) to devolve power to clients

(2) to reduce alienation of clients to the service agency

(3) to improve program effectiveness

It is difficult at this point to ascertain how far down the bureaucratic maze this request filtered, or the impact it had on the thinking of the various constituent agencies within the Department. There is little evidence of any impact on the Office of Education or on personnel within the Office charged with administering bilingual education. Presumably there was no interest at this level in responding affirmatively to Richardson's call. Any other departmental interest in Richardson's study apparently vanished when he left DHEW during the brewing Watergate crisis.

Let us look once again at the three goals of citizen participation promulgated by the Richardson study: to devolve power; to reduce alienation of clients; to improve program effectiveness. While there is no evidence to support the endorsement of these goals within the

organizational hierarchy administering bilingual education, there is some evidence that it affected the rhetoric attending to the issue of citizen participation. (For an indepth consideration of these goals from the perspective of the local site level, the reader is referred to Chapter Three.) To have taken these goals seriously would have meant, at the very least, the development of tentative strategies and policy statements, or the sponsorship of pilot programs to test the efficacy of implementing such goals. But the fact remains that the Office of Bilingual Education has not been addressing itself to strategies. It has been relatively passive on the issue of parent-community involvement in bilingual education. This passivity continues to exist.

The original bilingual legislation in 1968 made no provision for parent or community involvement. This omission parallels the history of parent-community involvement in ESEA Title I, passed in 1964. In the late 1960's all that was suggested in the ESEA guidelines was that parents and other groups be consulted about the program, but it was not clear how this consultation was to be accomplished. There were no formal requirements for parent involvement. In 1968 the ESEA amendments required the local school agencies to establish an "appropriate organizational arrangement" to involve parents and community members, with the suggestions that an advisory council was an appropriate way to comply with this requirement. In November the regulations were again changed, this time requiring "maximum practical involvement" but there was no clear statement as to what this meant or how to implement it. Since the early 1970's, the ESEA amendments dealing with Title I have been the revisions of Title VII, which reflects in

part the strong advocacy for parent-community participation in the National Council on the Education of Disadvantaged Children.

In bilingual education, the 1973 governing federal rules and regulations required only that a community advisory committee be established, that it be afforded an opportunity to review and comment upon proposed programs prior to submission of the proposal, and that at least 50 percent of the advisory committee was made up of parents of children served by project funds.[21] The only evidence required by the guidelines as evidence of compliance with this component of the regulations was the following:

(1) a membership list of advisory council members which had been published in a newspaper of general circulation or otherwise made public;

(2) a statement of the date the application was submitted to the advisory group for review and comment; and

(3) the written comments or recommendations, if any, made by such a group with respect to the application.

Although the regulations call for the local educational agency to consult periodically with the advisory group, there is no indication as to what this consultation should mean or how it could be implemented. The school could call for a public meeting at which they hand out a proposal (written in English), verify that some parents did, in fact, attend the meeting and submit comments--and thereby comply with the federal requirements for parent-community involvement.

In 1974 there were no major changes in these federal regulations, although there was a change in the requirement of group membership. Prior to 1974 the membership requirement stipulated that 50 percent of the group had to be made up of parents of children served by the project. In recognition of the fact that many limited-English-speaking parents were thereby being excluded from participation on the council, the 1974 revisions mandate that the ratio of English-dominant parents to limited-English-speaking parents on the council had to approximate the ratio of such persons in the program.[22]

In the 1976 revisions of the governing regulations there are a few changes in the parent-community participation component. In addition to asking for assurances that the LEA would provide the advisory council periodic opportunities to observe and comment upon the bilingual program's activities, the LEAs were also asked to make provisions to involve the committee in the evaluation of the program.[23] There is no statement or suggestion as to how this might be accomplished. The one other major change in the 1976 regulations dealt with the membership requirements. This time the regulations clearly state that only parents of limited-English-speaking children served by the project could serve on the council. This change was prompted by the widespread trend for English-dominant parents to dominate the council's limited-English parents.

We can see from this brief examination of the federal regulations governing parent-community participation in bilingual education that the requirements are nothing more than vaguely-worded requests for compliance. The series of events in San Jose, presented in detail in

Chapters Two, Three and Four of this study, appears to support this assertion. Furthermore, at the federal level, there has been no assessment as to what constitutes consultation between the parents and the school or how to implement the consultation. There is no requirement that the school incorporate the recommendations of the council in the submission of the Title VII proposal. And, most importantly, there is no requirement that parents and community members be trained to promote their active participation. At best, the regulations reflect some vague notions that parents and community should somehow be consulted in the program's activities and in the development of the funding proposal. But at worst, the regulations provide for the abuse, manipulation and exploitation of the parent-community councils because they fail to provide specificity, support, or policies to protect the rights of parents. And while there is provision within the statute to allow for the training of parent-community advisory members, there is no leadership or interest in the Office of Bilingual Education to promote training of any kind for parents.

Programmatic considerations aside, the lack of interest in promoting parent-community training represents a strategic political mistake, a political unsophistication and naivete on the part of the Hispanic bureaucracy in bilingual education. Whatever their political persuasion within the federal bureaucracy, the Hispanics in bilingual education might have promoted the training of parent-community councils which in turn might have generated a sizeable lobbying effort for bilingual education.

Perhaps one reason why the Office of Bilingual Education has never

really promoted the idea of training is that there is some reluctance, even fear, in the higher echelons of DHEW to promote any activities which might activate the political consciousness of council members. There is a tendency within the department to make a distinction between parents and community, with the distinction based on a level of political activism. There is a real feeling among various high-ranking DHEW officials that community groups--a euphemism for political activists--will use the Title VII advisory council as political vehicles for ethnic power. In a memo to Secretary Joseph Califano, dated October 1, 1977, Michael O'Keefe (Assistant Secretary for Policy and Evaluation) wrote:

> *While parent involvement is certainly desirable, it should probably not be a principal focus of the statute. . . . The degree of emphasis* [on strengthening parent-community advisory councils in Title VII] *promoted by the Colorado legislators* [of the Chicano Education Project] *might politicize projects to the detriment of educational objectives.*[24]

Another DHEW staff person, in an off-the-record interview, revealed similar sentiments:

> *We have gone as far as we can go at the federal level. We can require parent-community involvement and then just hope it is meaningful. Parents should be involved, and so should the community--but within certain limits. They shouldn't be involved in issues over control, like hiring and firing. Only on issues that pertain to education.*

Still another DHEW staff person in an off-the-record interview underscored the above statement:

> *The major problems in implementing parent-community participation revolve around the politics of it. They* [the community activists] *want to use it as a political vehicle for other things. I don't see any way to get the community involved at the local level. It*

> *really is a local issue. The community should not be involved . . . only the parents. They're the only ones with a vested interest in the outcome of the program.*

The comments of these individuals, which are representative of other staff persons within the department, indicate how far we have come since the initial exuberance and optimism of the 1960's War on Poverty. When ESEA was initially promulgated, it was seen as a social reform using educational intervention strategies as an aid to eliminate poverty. Moreover, the legislation also provided for political changes by creating a promise of increased public access to institutional decision making. In the decade since the passage of ESEA Title VII, the exuberance and optimism has turned to suspicion, mistrust, and wariness. Within the agency itself there is the semblance of a half-hearted interest in parent (but not community) participation in bilingual education, as if to say, *"We want parents to be informed, but not too informed. We want them to be involved, but not too involved. We want them to be organized, but not too organized."* The implicit assumption here is that parents are to be involved as long as they are acquiescent and non-threatening--the making-tamales-for Cinco de Mayo syndrome. Once the participation begins to make strides in parent education and training, interest in supporting, maintaining and institutionalizing the participation wanes.

One effective mechanism which militates against the institutionalization of substantive parent participation is the absence of any formal grievance procedure or hearing procedure to resolve disputes at the local level. If parents raise substantive issues over questions

of program finances, expenditures, personnel actions and the like, there is no procedure for a formal hearing or review. According to Steve Winnick, an attorney in the Education Division of the Office of the General Counsel in the Office of the Commissioner of Education:

> *If there are questions like an audit dispute, misspending of money, there is a formal appeal process. But the Office of Education determines this and decides whether a formal review is necessary. A parent group does not have a right to bring a formal suit against the LEA. Only OE can.*[25]

If the Office of Education determines that a formal appeal is unwarranted, the only recourse the disaffected parent-community groups have is to write letters to the Commissioner of Education or to the Secretary of DHEW. Some groups have given up in frustration and disgust. Other groups, notably C.O.M.E. in San Jose and the Chicano Education Project in Colorado, have taken to use more sophisticated extra-legal lobbying strategies outside DHEW. However, the success of these efforts remains to be seen. Only with the final outcome of the 1977-78 bilingual education reauthorization and subsequent revisions in the governing regulations will we learn of the impact these and other community groups have had in changing the administration, implementation and monitoring of parent-community participation in bilingual education.

* * * * * *

In this chapter the federal mandate--the lack of a federal mandate--for parent-community participation has been presented in great detail. The background for understanding the federal position was developed in an overview of the original federal Bilingual Education Act of 1968, dealing specifically with the ambiguity of the legislation, the influences of the War on Poverty and Civil Rights Movement on the concept of equal educational opportunity and bilingual education, the implications of the transition vs. maintenance controversy, and the effect of the key court decisions favoring bilingual education as an effective remedy for limited-English-speaking children.

The framework for understanding the federal position was then explored with respect to the major revisions in the federal legislation contained within the 1974 Bilingual Education Act. The issues of transition vs. maintenance were again considered as they influenced the demonstration vs. service project continuum in bilingual education. Attention was also given to a consideration of the major areas of difference which had to be resolved in favor of passing the '74 bilingual education revisions. While these issues are not central to an understanding of the federal position on parent-community participation in bilingual education, they are important insofar as they illuminate the intricacies of the legislative process and bureaucratic operations.

The next major section of the chapter dealt specifically with the intricacies of the legislative and bureaucratic processes affecting bilingual education, informing the reader as to the complexities of the interplay. In the final analysis, it is this complexity which shapes and directs the federal role in parent-community participation

in bilingual education.

The concluding section of the chapter is an analysis of the federal position in directing and implementing parent-community participation in bilingual education. Specific consideration was given to the absence of policy, data, theory, established models, training programs, and legal recourse in the federal role. The conclusion to the analysis is that there is no federal mandate, that there is no federal position favoring sustained, substantive parent-community participation in bilingual education.

Issues in this chapter have been presented in some detail for they are important to our understanding of what actually occurred in parent-community participation in San Jose. Our understanding of what has occurred in San Jose is illuminated by our understanding of the federal scene. The "grounded events" in federally sponsored bilingual education in San Jose are highlighted in greater perspective by the analysis presented in this chapter of the interface between the federal bureaucracy, the local school professionals and the community. There is, in fact, very little which binds these constituencies together.

FOOTNOTES

[1]*Bilingual Education: An Unmet Need*, Report to the Congress by the Comptroller General of the United States, Washington, D. C., May 19, 1976, p. 3.

[2]*The Condition of Bilingual Education in the Nation*, First Report by the U. S. Commissioner of Education to the President and the Congress, Washington, D. C., 1976, p. 21.

[3]Bruce Gaarder, "Bilingual Education: Central Questions and Concerns," in *Bilingual Education*, eds. LaFontaine, Persky, Golubchick (Wayne, New Jersey: Avery Press, 1978), p. 36.

[4]Noel Epstein, *Language, Ethnicity, and the Schools: Policy Alternatives for Bilingual-Bicultural Education* (Washington, D. C.: Institute for Educational Leadership, The George Washington University, 1977); American Institutes for Research, *Interim Report, Evaluation of the Impact of ESEA Title VII Spanish/English Bilingual Education Programs* (Palo Alto, California, February, 1977).

[5]Gerald Rosen, "The Chicano Movement and the Politicization of Culture," *Ethnicity* 1 (July 1974):292.

[6]*Elementary and Secondary Education Amendments of 1967, Statutes at Large 81*, secs. 701-706.

[7]Arnold H. Leibowitz, "Language Policy in the United States," in *Bilingual Education*, eds. LaFontaine, Persky, Golubchick (Wayne, New Jersey: Avery Press, 1978), p. 8.

[8]Ibid., p. 9.

[9]Bruce A. Gaarder, *Bilingual Schooling and the Survival of Spanish in the United States* (Rowley, Massachusetts: Newbury House Publishers, Inc., 1977), p. 105.

[10]*The Condition of Bilingual Education in the Nation*, p. 12.

[11]May 25, 1970, Memorandum of the Department of Health, Education, and Welfare, *Federal Register* 35, 11595, July 18, 1970.

[12]*The Condition of Bilingual Education in the Nation*, p. 23.

[13]*Manual for Project Applicants and Grantees*, U. S. Department of Health, Education, and Welfare, Office of Education, Washington, D. C., p. 7.

[14]Susan Schneider, *Revolution, Reaction or Reform: The 1974 Bilingual Education Act* (New York: Las Americas Publishing Co., 1977), pp. 127-137.

[15]Ibid., p. 147.

[16]Ibid., p. 163.

[17]Personal interview with Meredith Larson, Professional Staff, Minority Side, House Committee on Education and Labor, Wednesday, May 31, 1978, Washington, D. C.

[18]*Bilingual Education: An Unmet Need*, p. 9.

[19]Ibid., p. 29.

[20]Personal interview with Leticia Chambers, Legislative Assistant to Senator Pete Dominici (D. New Mexico), June 6, 1978, Washington, D. C.

[21]*Federal Register*, Vol. 38, No. 189, Monday, October 1, 1973.

[22]*Federal Register*, Vol. 39, No. 100, Wednesday, May 22, 1974.

[23]*Federal Register*, Vol. 41, No. 141, Friday, June 11, 1976.

[24]Memorandum from Michael O'Keefe, Assistant Secretary of Health, Education, and Welfare, Policy and Evaluation, to Secretary Joseph Califano, October 1, 1977.

[25]Personal interview with Steve Winnick, Attorney, Educational Division of the Office of the General Counsel, Office of the Commissioner of Education, Department of Health, Education, and Welfare, June 1, 1978, Washington, D. C.